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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,284	01/14/2002	Horst Udo Petersen	630-24US	5432

23716 7590 01/08/2004  
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CANADA

EXAMINER

COZART, JERMIE E

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/043,284

Applicant(s)

PETERSEN, HORST UDO

Examiner

Jermie Cozart

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 is/are allowed.
- 6) ☒ Claim(s) 2-4, 7, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 5, 6, and 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/518,207.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-4, 7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudash et al. (5,769,499) in view of Loper et al. (3,286,539).

Dudash (*at column 4, lines 1-15 and Figures 7-8*) discloses all of the claimed subject matter except for providing a die-set, which includes an upper punch and a lower punch, and arranging the subassembly in the die set, with the headrest-tube vertical; pressing the headrest-tube vertically, in the die set, with a lower-tube-collapsing force; pressing the headrest-tube vertically with a tube-coining force; applying the tube-coining-force between the upper and lower shoulders, wherein the tube-coining-force is of sufficient magnitude to coin the upper and lower shoulders together; arranging the upper punch and lower punch to apply the lower-tube-collapsing-force to the headrest-tube between the lower end-abutment and the upper shoulder; arranging the upper punch and lower punch to apply the tube-coining-force to the headrest tube between the upper-shoulder and the lower-shoulder; pressing the upper and lower shoulders together with a shoulder-coining force; or so arranging the die-set that the upper and lower punches do not bottom together while the shoulder-coining force is being applied, thereby enabling the force of the press to be available as the shoulder-coining force.

Loper discloses providing a die-set which includes an upper punch (20) and a lower punch (15), and arranging a subassembly (10, 13) in the die set, with the tube (13) oriented vertical, pressing the tube (13) vertically in the die set with a lower-tube-collapsing force. Loper discloses pressing the tube (13) vertically with a tube-coining force, applying the tube coining force between the upper and lower shoulders (14, 19), wherein the tube coining force is of sufficient magnitude to coin the upper and lower shoulders together. Loper also discloses arranging the upper punch and lower punch (22, 15) to apply the lower-tube-collapsing-force to the tube (13) between a lower end-abutment (bottom portion of tube located in the recess of member 15, see Fig. 4) and the upper shoulder (19), arranging the upper punch and lower punch (22, 15) to apply the tube-coining-force to the tube (13) between the upper-shoulder and the lower-shoulder (14, 19). Loper discloses pressing the upper and lower shoulders (14, 19) together with a shoulder-coining force, and so arranging the die-set that the upper and lower punches do not bottom together (see Fig. 4) while the shoulder-coining force is being applied, thereby enabling the force of the press to be available as the shoulder-coining force. *See column 1, line 56 – column 2, line 39, and Figures 2-4 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a die-set for the assembling the subassembly (*e.g. the headrest-tube and seatframe-piece*) of Dudash, wherein the die-set includes an upper punch and a lower punch, to arrange the subassembly in the die set with the headrest-tube vertical, to press the headrest-tube vertically in the die set with a lower-tube-

collapsing force, to press the headrest-tube vertically with a tube-coining force, to apply the tube-coining-force between the upper and lower shoulders wherein the tube coining force is of sufficient magnitude to coin the upper and lower shoulders together, to arrange the upper punch and lower punch to apply the lower-tube-collapsing-force to the headrest-tube between the lower end-abutment and the upper shoulder, to arrange the upper punch and lower punch to apply the tube-coining-force to the headrest tube between the upper-shoulder and the lower-shoulder, to press the upper and lower shoulders together with a shoulder-coining force, to arrange the die-set such that the upper and lower punches do not bottom together while the shoulder-coining force is being applied, thereby enabling the force of the press to be available as the shoulder-coining force, in light of the teachings of Loper, in order to axially compress parts into secure engagement with one another.

***Allowable Subject Matter***

3. Claims 5, 6, and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 14-17 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: Regarding **claim 14**, the prior art does not teach or suggest providing the upper portion of the headrest tube with an upper ring bead while the headrest tube is within an opening in the seat frame piece, then applying a lower tube collapsing force on the

lower portion of the headrest tube to form a lower ring bead, in combination with the other claimed limitations.

***Response to Arguments***

6. Applicant's arguments with respect to claims 2-4, 7, 11, and 12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status

information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

9. If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to [CustomerService3700@uspto.gov](mailto:CustomerService3700@uspto.gov).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.


11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Information Help line  
Internet PTO-Home Page

1-800-786-9199  
<http://www.uspto.gov>

JC   
December 29, 2003

  
DAVID P. BRYANT  
PRIMARY EXAMINER